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06-04-04

IFW

Attorney Docket No. 5550-23

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Todd Anthony Layt  
Serial No.: 10/663,928  
Filing Date: September 16, 2003  
For: *St. Augustine Grass Named 'B12'*

June 3, 2004

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


**STATEMENT IN SUPPORT OF FILING A  
SEQUENCE LISTING UNDER 37 CFR § 1.821(f)**

Sir:

I hereby state that the content of the paper and computer-readable copies of the Sequence listing, submitted concurrently herewith in accordance with 37 CFR § 1.821(c) and (e), are the same. I also hereby state as required by 37 CFR § 1.821(h) that the paper and computer-readable copies contain no new matter, nor do they go beyond the disclosure of the application as filed.

No fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

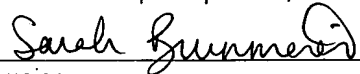
Respectfully submitted,

  
Karen A. Magri  
Registration No. 41,965

**Customer No. 20792**  
Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401

**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" mailing label number: EV381443013US Date of Deposit: June 3, 2004  
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
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Sarah Brunmeier

Art Unit: 1661

## **DETAILED ACTION**

### **Specification**

On the first page of the specification, a typographical error has been made in the paragraph claiming the benefit of Australian Plant Breeders Rights. Applicant states that the Australian application has been filed on 2003 and received in the Australian office on 2002. Correction is required.

### **Oath/Declaration**

Applicant is required to submit a substitute declaration or oath to correct the deficiencies set forth: on page 1 of the declaration applicant omitted the U.S. application number.

### **Sequence requirement**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Applicant is given ONE MONTH from the mailing date of this communication within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.